

REMARKS

This is a response to the Office action (Paper No. 20070606) mailed 15 June 2007.

Claims 16 through 28 are pending in this application.

No amendment is made by this response.

No new matter has been added.

I. Double Patenting

Claims 16-28 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3-18 of U.S. Patent No. 6,728,468.


The applicant submits the terminal disclaimer herewith. ("The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection") (MPEP 804.02).

Withdrawal of the rejection is respectfully requested.

No fees are incurred by this Response.

In view of the above, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections and objections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,


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